

EXHIBIT 1

INTRODUCTION

Respondent Fernando Marin assumed office as a planning commissioner for the Butte County Planning Commission on January 9, 2001. As a planning commissioner, Respondent was required, by section 87202, subdivision (a) of the Political Reform Act (the "Act"),¹ to file an assuming office statement of economic interests ("SEI") within 30 days after assuming office, disclosing his reportable investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office. Respondent failed to timely file an assuming office statement of economic interests by February 8, 2001, the thirtieth day after he assumed office.

The Enforcement Division handled this case pursuant to the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent's violation is stated as follows:

COUNT 1: As a planning commissioner for the Butte County Planning Commission, Respondent Fernando Marin failed to file an assuming office statement of economic interests by February 8, 2001, in violation of section 87202, subdivision (a) of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, section 87200 specifies that the disclosure requirements of section 87200, *et seq.*, are applicable to certain officeholders, including, but not limited to, planning commissioners. Section 87202 requires that all officeholders specified in section 87200 file a statement of economic interests within 30 days after assuming office, disclosing their reportable investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office.

¹ The Political Reform Act ("Act") is contained in sections 81000 through 91014 of the Government Code. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission, enacted pursuant to the provisions of the Act, are contained in sections 18000, *et seq.*, of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

SUMMARY OF THE FACTS

Respondent Fernando Marin assumed office as a planning commissioner for the Butte County Planning Commission on January 9, 2001, and was required to file an assuming office SEI within 30 days of that date. Respondent was therefore required to file an assuming office SEI by February 8, 2001.

On January 19, 2001, Cheri Edwards, Deputy County Clerk for Butte County, sent a letter to Respondent, reminding him that he was required to file an assuming office SEI within 30 days of assuming office. Despite this reminder, Respondent failed to file an assuming office SEI by the February 8, 2001 due date.

After Respondent failed to file his assuming office SEI by the due date, Susan Burgess, of the Technical Assistance Division of the Fair Political Practices Commission, sent a letter to Respondent on May 4, 2001, advising him that his SEI was past due, and must be filed immediately. On June 7, 2001, Ms. Burgess sent Respondent another letter advising Respondent that his assuming office SEI still had not been received. When Respondent did not respond to this third letter, Ms. Burgess referred the matter of Respondent's failure to file an assuming office SEI to the Enforcement Division of the Fair Political Practices Commission.

On July 18, 2001, Investigator Bonnie Swaim of the Enforcement Division spoke with Respondent by telephone, and reminded him that his assuming office SEI remained past due. On July 19, 2001, Respondent filed the statement.

CONCLUSION

This matter consists of one count of violating section 87202, subdivision (a), which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). However, under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty for an individual who files a delinquent SEI within 30 days of being contacted by the Enforcement Division is between Two Hundred and Three Hundred Dollars (\$200-\$300).

The facts of this case justify imposition of the agreed upon penalty of Two Hundred Dollars (\$200).